latter rule and in conflict with the weight of authority, are distinguishable on the ground that something more than the payment of the purchase price on the part of the vendor was necessary to effect a transfer of title. *Swallow* v. *Emery,* 111 Mass. 355; *Arthur* v. *Blackburn,* 63 Fed. 536.

WATERS AND WATER COURSES—RIGHTS OF RIPARIAN OWNERS.—The plaintiffs were the owners of a dairy farm, through which flowed a natural stream of water well suited to the plaintiff's purposes. The defendants were riparian owners and operated a coal mine up the stream. In washing coal much fine material was carried into the creek, rendering the water unfit for domestic purposes and especially for watering stock. The plaintiffs claim damages for the pollution of the water. *Held,* that the plaintiffs were entitled to have the water flow in the stream without material pollution. *Packwood* v. *Mendota Coal & Coke Co.,* (Wash. 1915) 146 Pac. 163.

The court says "that the right to the reasonable use of the water by a riparian owner for manufacturing or industrial purposes, resulting in the pollution of the water with foreign substances, is limited to the extent that such use must not materially pollute the water to the substantial damage of the lower riparian owner." It was pointed out that a reasonable user depends upon the detriment caused to the lower riparian owner and is a question of fact to be determined in each case. *Tenn. Coal, Iron & Ry. Co.* v. *Hamilton,* 100 Ala. 252. The court in the principal case points out that "this might not be the limit of the company's right to the use of the water as a riparian owner, were it putting the water to ordinary and domestic uses," and cited *McEvoy* v. *Taylor,* 56 Wash. 357. Cases adjudicated since *McEvoy* v. *Taylor* draw the same distinction. *Halfrich* v. *Clonville Water Co.,* 74 Md. 269; see 26 L. R. A. N. S. 222 and note. These cases clearly show that what may be a reasonable use for domestic purposes may not be considered a reasonable use for industrial purposes. The principal case follows the weight of authority. *Snow* v. *Parsons,* 28 Vt. 499; *Baltimore* v. *Warren,* 59 Md. 96; *Young* v. *Bankier Distilling Co.,* [1893] A. C. 691; *Merrifield* v. *Lanbard,* 13 Allen 16; GOULD, WATERS, § 220; TIFFANY, REAL PROPERTY, 658. The principal case is distinguished from *Penn. Coal Co.* v. *Sanderson,* 113 Pa. 126, in an interesting manner. In the latter case the stream formed the natural drainage of the basin in which the coal was situated and the stream was polluted by the flow of water by gravity alone, from a coal company's mine.

WILLS—BEQUESTS FOR SPECIAL PURPOSES.—A bequest to a church of $1,000 "to be used for paying the church debt" *held* not adeemed by the church debt having been paid before the death of the testator. *Greeley v. First Universalist Society of Nashua,* (N. H. 1915) 92 Atl. 958.

This is probably the first case where the question of ademption has been raised in which the special purpose was accomplished by another than the testator. A bequest for a special purpose is adeemed by the accomplishment of the purpose, by the testator in his lifetime. *Debeze* v. *Mann,* 2 Bro. C. C. 165, 29 Eng. Rep. 94; *In re Corbett,* [1903] 2 Ch. 326; *Hine* v. *Hine,* 39 Barb. 507; *Tanton* v. *Keller,* 167 Ill. 129, 47 N. E. 376; *Taylor* v. *Tolen,* 38

N. J. Eq. 91; *Johnson's Estate,* 201 Pa. St. 513, 51 Atl. 342; 1 ROPER, LEGACIES, 381; GREDEY, EQUITY EVIDENCE, 204; ROOD, WILLS, § 722. All the authorities confine themselves to cases where the purpose is accomplished by the testator himself. But it would seem that there is no reason for a different rule where the purpose is accomplished by another, inasmuch as the testator in specifying a particular purpose must have been controlled by a desire to see that purpose accomplished. The reasoning of the principal case is, that the intent of the testator was primarily to benefit the church, and that such intention would not be defeated by the payment of the debt which, as they say, was only a means chosen by him of benefiting the church. If the court is correct in its assumption that such was the testator's intent then undoubtedly the decision is correct, but it may well be doubted whether the presumed intent is the true purpose of the testator's bounty.

WILLS—DESIGNATION OF DEVISEES.—Under a will devising the property to trustees to pay over one-half of the income to each of two sons of the testator during their lives, and at the death of each to pay one-half the corpus "to the children of my said sons and their heirs," *held,* that an adopted child of one of the sons takes nothing at the death of his foster father. *Parker* v. *Carpenter,* (N. H. 1915) 92 Atl. 955.

The question whether an adopted child will take under a devise or bequest to "child or children" has been passed upon by a number of the courts, and the decisions are apparently in conflict. Those supporting the principal case are *Schafer* v. *Euer,* 54 Pa. 304; *In re Hopkins,* 92 N. Y. Supp. 463, 102 App. Div. 458; *Russell* v. *Russell,* 84 Ala. 48, 3 So. 900; *Lichter* v. *Thiers,* 139 Wis. 481, 121 N. W. 153; *Woodcock's Appeal,* 103 Me. 214, 68 Atl. 821, 125 Am. St. Rep. 291; *Cockran* v. *Cockran,* 43 Tex. Civ. App. 259, 95 S. W. 731; *In re Leask,* 197 N. Y. 193, 90 N. E. 652, 27 L. R. A. (N. S.) 1158. They proceed upon the theory that to allow an adopted child to take would be a fraud upon the testator, inasmuch as the intent of the testator must be taken to be, that only the children of the body should take, laying down the rule that such is the ordinary meaning of the words child or children. Opposed to the above cases are *Bray* v. *Miles,* 23 Ind. App. 432, 54 N. E. 446; *Sewald* v. *Roberts,* 115 Mass. 262; *In re Truman,* 27 R. I. 209, 61 Atl. 598; *In re Olney,* 27 R. I. 495, 63 Atl. 956. These latter courts take the view that, in using the words which he has, the testator intended to benefit all whom the parent should choose to consider as his children, and that by adopting a child the parent has shown that such child is to be treated and considered as a child of his body. There are two possible distinctions in these lines of authority, first on the particular wording of the different statutes of adoption; and again that in all the decisions which harmonize with the principal case the child was adopted subsequent to the making of the will, while in the contrary decisions adoption preceded the making of the will. The latter of these two distinguishing features is not dwelt upon by any of the courts.